



VARIANCE APPLICATION

CITY OF WORCESTER ZONING BOARD OF APPEALS
 455 Main Street, Room 404, Worcester, MA 01608
 Phone 508-799-1400 Ext. 31440 - Fax 508-799-1406

Fill in information for the Variances (s) you are applying for. Attach additional documentation as necessary.

Lot Area		Front Yard Setback		Rear Yard Setback	
Square footage required:	8000 sf	Setback required:		Setback required:	
Square footage provided:	7581 sf	Setback provided:		Setback provided:	
Relief requested:	419 sf	Relief requested:		Relief requested:	
Frontage		Side Yard Setback		Exterior Side Yard Setback	
Frontage required:	70 ft	Setback required:		Setback required:	
Frontage provided:	32.73 ft	Setback provided:		Setback provided:	
Relief requested:	37.27	Relief requested:		Relief requested:	
Off-street Parking/Loading		Height		Accessory Structure 5-foot Setback	
Parking required:		Height permitted:		Type of structure:	
Parking provided:		Height provided:		Square footage of structure:	
Relief requested:		Relief requested:		Relief requested:	
Loading required:		Other Variances			
Loading provided:		Relief requested:			
Relief requested:		Zoning Ordinance Article & Section:			
Signs		Requirement:			
Area permitted:		Provided:			
Area provided:		Indicate if Variances are being requested for more than one structure or more than one lot. Only complete the sections which pertain to the Variances (s) you are applying for.			
Relief requested:					
Height permitted:					
Height provided:					
Relief requested:					
Setback permitted:					
Setback provided:					
Relief requested:					

1. Assessor's ADDRESS OF SUBJECT PROPERTY: 15 Waban Avenue

(List property subject to the application and include any lot numbers. Please note: The street number may be different than the Assessor's address).

2. Is this property known by any other address: _____

3. OWNER OF RECORD: Avery Investment Properties, LLC

(The owner of record is the person or entity who owns title to the property as of today's date)

4. Address (es) of owner of record is /are 1 Alger Road, Foxboro, MA

5. Worcester District Registry of Deeds (WDRD) Book(s) 64353, Page(s) 382

(List Book and Page number of deed filed for the subject property as recorded at the WDRD)

6. City of Worcester Assessor's Office Map 38 Block 023 Lot 40-43

(List

MBL number for the subject property as listed at Assessor's Office)

7. NAME OF APPLICANT(S): Avery Investment Properties, LLC

8. Address of Applicant: 1 Alger Road, Foxboro, MA

9. Telephone: 508-868-5077

10. Email: hda199@aol.com

11. Check if you are an: owner (s ☐ lessee (s ☐ optionee (s ☐ (If you are not the owner of the subject property and are a lessee or optionee, it is recommended that you provide supporting information such as a lease or a purchase and sale agreement that shows your interest in the property.)

12. Zoning district(s) of the property (Indicate if more than one zoning district and any zoning overlay districts):

RL-7

13. Describe what is presently located on the property (Use as much detail as possible including all uses and square footage of each use):

Vacant Lot (existing single family home has been razed)

14. The applicant seeks to (Describe what you want to do on the property in as much detail as possible):

The applicant seeks to construct a single family semi-detached dwelling and two family dwelling (4 units total) with associated site work.

15. Such a use is permitted only by the City of Worcester Zoning Ordinance under Article (Insert Article, Section (s) of the Zoning Ordinance which permits the proposed used of the property):

Article IV, Section 2 - Permitted Uses, Table 4.1

16. Are you aware if this property has been previously granted approvals from any City Board or Commission?

If so, please list (Provide dates of previous approvals, book and page numbers and/or certificate numbers of any recorded decisions and/or recorded/registered land. Also, please provide copies of previous recorded decisions):

3 Variances for area bk 65596 pg 96

17. Have you applied for or are you aware if other applicants have applied for a Building Permit for this site and been refused for non-compliance with the Zoning Ordinance (e.g. a cease and desist order has been issued)? If so, explain:

na

18. List any additional information relevant to the Variance (s):

The applicant was granted lot area relief on June 7th 2021 to create 2 semi-detach single family dwellings (4 lots - zero lot lines). After approvals where granted it was discovered by the city the the official map ended Waban ave at the intersection of Waban and Porter instead of incorporating the entire length of Waban. This eliminated 64.27 ft of frontage available to the development without submitting a subdivision to validate the 64.27 ft of frontage. Given that the remianing portion of Waban is a dead end Street with no real option to provide a tour around that meets subdivision standards, the applicants only real course of action is to request a variance for the frontage that was determined not to be on the official City map (64.27 ft). the Variance request for lot area (Lot 2) is just a reconfiguration of the relief already granted (the zero lot line has been removed).

VARIANCE FINDINGS OF FACT

Complete the following questions. Your responses should provide justifications as to why the requested Variance(s) should be granted. Attach additional documentation as necessary.

1. Describe how a literal enforcement of the provision of the City of Worcester Zoning Ordinance would involve a substantial hardship, financial or otherwise, to the petitioner or appellant:

a literal enforcement of the provision of the Zoning Ordinance would eliminate two units from the previously approved proposal. this would make the project not financially feasible and cause a financial hardship to the owner.

2. Describe how the hardship is owing to circumstances relating to the soil conditions, shape, and/or topography of the land or structures and how the hardship especially affects said land or structures, but does not affect generally the zoning district in which it is located:

The existing lot provides enough usable frontage for the development. The Cities official street map eliminates 64.27 ft of legal frontage due to where they determined to end it in the 50's. This creates a hardship for the owner as he has the usable frontage but is not allowed to claim 64.27 ft of it as legal frontage.

3. Describe how desirable relief may be granted without detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the City of Worcester Zoning Ordinance:

The relief may be granted without detriment as it frontage on a dead end street with conservation land to the rear. the relief will only effect the applicants lot. Also this project was already approved this year but the official map discovery was after the approval was granted.

4. Describe how the dimensional variance as it relates to floor space, bulk, number of occupants or other relevant measures, if granted, shall be no greater than the minimum necessary to provide relief from the statutory hardship:

The relief requested is the minimal needed to proceed with the development and will not have any adverse impact on floor space, occupancy, etc.

WHEREFORE, the applicant(s) requests that this Board grant the variance (s) as requested above.

By: _____

(Signature of Applicant or Applicant's Agent)

If more than one applicant, all applicants must fill out information.

(Name of Applicant)

(Address)

(Contact Phone Number)

(Email)

(Date)

By: See Next Page →

(Signature of Property Owner or Owner's Agent)

If more than one property owner, all owners must fill out information.

(Name of Property Owner)

(Address)

(Contact Phone Number)

(Email)

(Date)

3. Describe how desirable relief may be granted without detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the City of Worcester Zoning Ordinance:

4. Describe how the dimensional variance as it relates to floor space, bulk, number of occupants or other relevant measures, if granted, shall be no greater than the minimum necessary to provide relief from the statutory hardship:

WHEREFORE, the applicant(s) requests that this Board grant the variance (s) as requested above.

By: _____
(Signature of Applicant or Applicant's Agent)
If more than one applicant, all applicants must fill out information.

(Name of Applicant)

(Address)

(Contact Phone Number)

(Email)

(Date)

By: *Harry Avery*
(Signature of Property Owner or Owner's Agent)
If more than one property owner, all owners must fill out information.

Harry Avery
(Name of Property Owner)

1 Alger Rd Foxboro, MA 02435
(Address)

508-868-5077
(Contact Phone Number)

hola199@gmail.com
(Email)

8/9/21
(Date)

**CERTIFICATION OF COMPLIANCE WITH WORCESTER REVISED ORDINANCES GOVERNING REVENUE
COLLECTION**

***Note:** This form must be completed and signed by both the applicant(s) and owner(s) of the property certifying payment of all local taxes, fees, assessments, betterments, or any other municipal charges of any kind. Failure to include a fully completed certification form with the application shall result in the application being deemed incomplete and ineligible for further processing by the Zoning Board of Appeals.

Pursuant to Massachusetts General Law, Chapter 40A, Section 57 and the City of Worcester General Revised Ordinance, Chapter 11, Section 28-28, the undersigned applicant and all parties having an ownership interest therein, hereby certify, under the pains and penalties of perjury, that the applicant(s) and owner(s) have complied with the laws of the Commonwealth of Massachusetts and the City of Worcester regarding payment of all local taxes, fees, assessments, betterments or any other municipal charges of any kind.

(Give first and last names in full. In case of a corporation give names of President, Treasurer and Manager; and in case of firms, give names of individual members.)

(1) If a Proprietorship or Single Owner of residential property:


Name of Owner Harry Avery

Business Address 1 Alger Rd Foxboro MA 02035

Home Address Same

Business Phone 508-568-5077 Home Phone

Signature of owner (certifying payment of all municipal charges):

 Date: 8/9/21

(2) If a Partnership or Multiple Owners of residential property:

Full names and address of all partners

Printed Names

Addresses

Business Address _____

Business Phone _____

Signature of all owners of property (certifying payment of all municipal charges -attach multiple pages if necessary)

_____ Date: _____

_____ Date: _____

_____ Date: _____

_____ Date: _____

(3) If a Corporation:

Full Legal Name 15 Waban LLC
State of Incorporation MA
Principal Places of Business Foxboro MA 1 Alger Rd
Place of Business in Massachusetts Foxboro
Printed Names of Officers of Corporation: _____ Title _____
Harry Avery Owner

Owners of Corporation:

Printed Names	Address	% of stock
<u>Harry Avery</u>	<u>1 Alger Rd Foxboro</u>	<u>100%</u>
_____	_____	_____
_____	_____	_____

Signature of all owners of property (certifying payment of all municipal charges -attach multiple pages if necessary)

[Signature] Date: 8/5/21

Date: _____

Date: _____

Date: _____

(4) If a Trust:

Name of Trust _____
Business Address _____
Printed Names of Trustees: _____ Address _____

Printed Names of Beneficiaries:	Address
_____	_____
_____	_____
_____	_____

Signature of trustees of property (certifying payment of all municipal charges -attach multiple pages if necessary)

Date: _____

Date: _____

Date: _____

Date: _____

(5) Signature of Applicant (if different from owner, certifying payment of all municipal charges):

Printed Name of Applicant: _____
Signature of Applicant: _____ Date: _____



CITY OF WORCESTER

ADMINISTRATION & FINANCE

Certified Abutters List

A list of 'parties in interest' shall be attached to the application form and shall include the names and addresses. All such names and addresses shall be obtained from the most recent applicable tax list maintained by the City's Assessing Department. The Assessing Department certifies the list of names and addresses.

Total Count: 28

Assessor's M-B-L/ Parcel Address: 38-023-40-43/ 15 Waban Ave

Owner: 15 Waban LLC

Owner Mailing: 1 Alger Road
Foxboro, MA 02035

Petitioner (if other than owner): Zac Couture

Petitioner Mailing Address: 75 Hammond Street
Worcester, MA 01610

Petitioner Phone: 508-757-4944

Planning: X Zoning: Liquor License: ConComm:
Historical: Cannabis: Other:

38-24B-002+2	J RUSS CORP	PO BOX 2531	WORCESTER MA 01613
38-023-28-2B	DWAMENA LEISA D	0031 ONSET ST	WORCESTER MA 01604
38-023-28-1A	MAATAOUI KAMAL	0025 ONSET ST	WORCESTER MA 01604
38-023-00091	PELLERIN GEORGE R + JOYCE	21 ONSET ST	WORCESTER MA 01604
38-030-004-6	DIAS ARISTOLINO +	0010 WABAN AVE	WORCESTER MA 01604
38-030-00047	TIBBETTS RICHARD P JR +	0011 ONSET ST	WORCESTER MA 01604
38-030-0052A	ZIRIDAMU RONALD B +	0008 WABAN AVE	WORCESTER MA 01604
38-030-04B-2	ASARE LETICIA O	0006 LITCHFIELD ST	WORCESTER MA 01603
38-023-28-1B	STEVE-QUARTEY NAA + QUARTEY	0027 ONSET ST	WORCESTER MA 01604
38-023-0029C	PALDINO MARIE + CHARLES	0005 PORTER ST	WORCESTER MA 01604
38-023-28-2A	BORYSZEWSKI DALINA + PAWEL	0029 ONSET ST	WORCESTER MA 01604
38-023-0027A	RACIUKAITIS RITA + GEDIMINAS J	3 PORTER STREET	WORCESTER MA 01604
38-023-0027B	FISHER DAVID	90 LYNNWOOD LANE	WORCESTER MA 01609
38-023-00029	DIBENEDETTO PHILIP S	0007 PORTER ST	WORCESTER MA 01604
38-023-00020	FLOOD DONNA M +	0001 PORTER ST	WORCESTER MA 01604
38-023-40-43	15 WABAN LLC	0001 ALGER RD	FOXBORO MA 02035
38-023-00044	SINCLAIR ROSEMARIE	0019 ONSET ST	WORCESTER MA 01604
38-023-13-16	HAYES MICHAEL	0020 WABAN AVE	WORCESTER MA 01604
38-023-07-10	CAPURSO MICHAEL	0058 CASTINE ST	WORCESTER MA 01606
38-023-30-39	MCDONALD JUDITH A	13 WABAN AVE	WORCESTER MA 01604
38-030-04B-1	ALAS MILTON + AMBER	0013 ONSET ST	WORCESTER MA 01604
38-023-000A1	MALINOWSKI WANDA + ANDRZEJ +	0011 WABAN AVE	WORCESTER MA 01604

38-023-0000C	SMITH FRANCIS +	0009 WABAN AVE	WORCESTER MA 01604
38-030-0002B	RAYMUNDO AMILCAR R + DAWN M	0007 WABAN AVE	WORCESTER MA 01604
38-030-0002A	PANARELLI JOANNE	0005 WABAN AVE	WORCESTER MA 01604
38-023-17-19	DILORIO NANCY	0004 PORTER ST	WORCESTER MA 01604
38-026-0003A	BRANDT RICHARD A + MARY G	0004 BRANDT LN	WORCESTER MA 01604
38-024-0000I	WORCESTER CONSERVATION COMMISSION	0455 MAIN ST	WORCESTER MA 01608

This is to certify that the above is a list of abutters to Assessor's Map-Block-Lot(s) 38-023-40-43 as cited above.

Certified by:

Signature

Samuel E. Konieczny

6/7/2021

Date

Edward M. Augustus, Jr.
CITY MANAGER



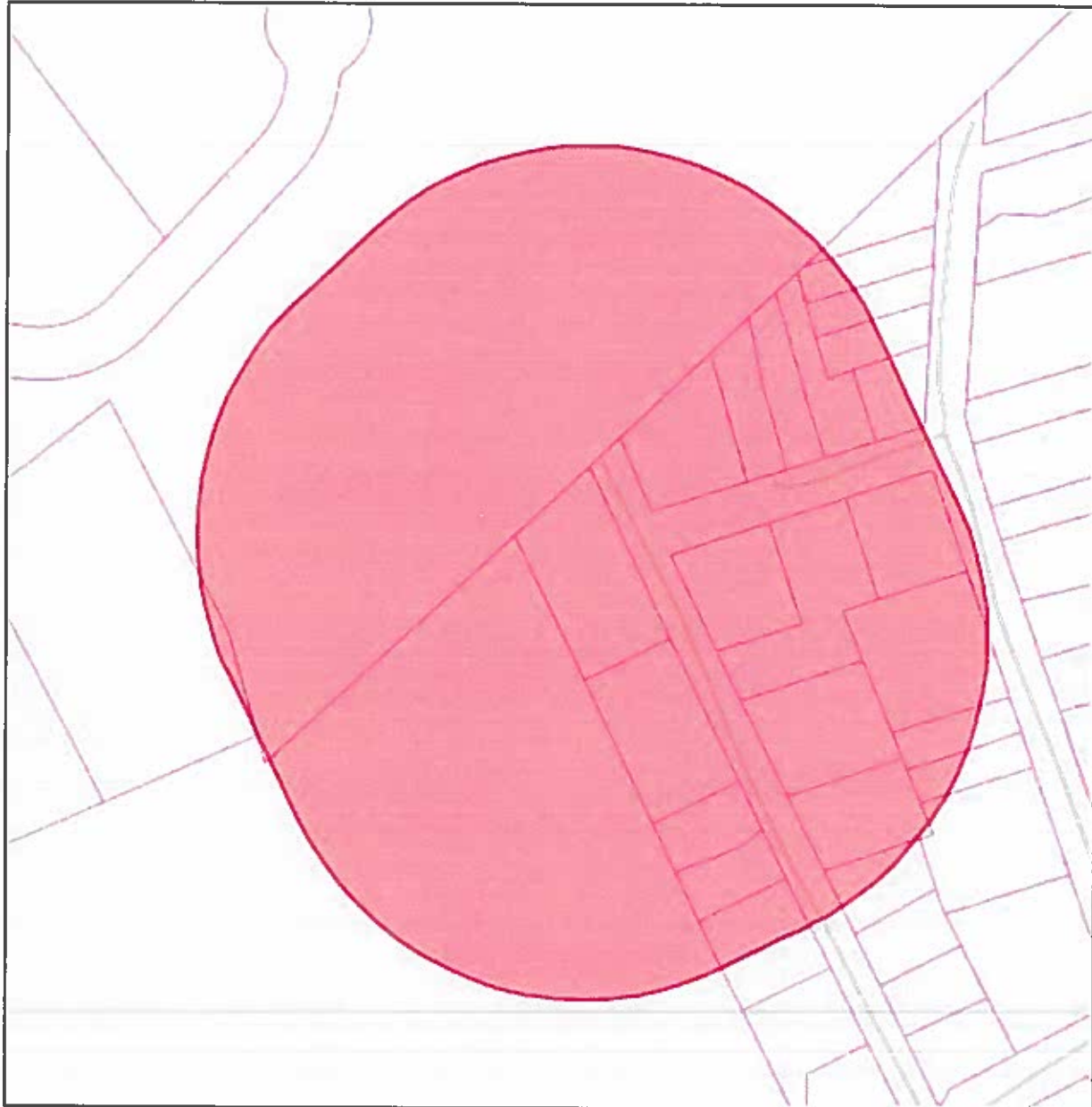
Timothy J. McGourthy
CHIEF FINANCIAL OFFICER

Samuel E. Konieczny
CITY ASSESSOR

CITY OF WORCESTER

ADMINISTRATION & FINANCE

Abutters Map



J RUSS CORP
PO BOX 2531
WORCESTER MA 01613

BORYSZEWSKI DALINA + PAWEL
0029 ONSET ST
WORCESTER MA 01604

ALAS MILTON + AMBER
0013 ONSET ST
WORCESTER MA 01604

DWAMENA LEISA D
0031 ONSET ST
WORCESTER MA 01604

RACIUKAITIS RITA + GEDIMINAS J
3 PORTER STREET
WORCESTER MA 01604

MALINOWSKI WANDA + ANDRZEJ +
0011 WABAN AVE
WORCESTER MA 01604

MAATAOUI KAMAL
0025 ONSET ST
WORCESTER MA 01604

FISHER DAVID
90 LYNNWOOD LANE
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0007 PORTER ST
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0006 LITCHFIELD ST
APT 3
WORCESTER MA 01603

HAYES MICHAEL
0020 WABAN AVE
WORCESTER MA 01604

WORCESTER CONSERVATION COMMISSION
0455 MAIN ST
RM 203
WORCESTER MA 01608

STEVE-QUARTEY NAA + QUARTEY, GEORGE
0027 ONSET ST
WORCESTER MA 01604

CAPURSO MICHAEL
0058 CASTINE ST
WORCESTER MA 01606

PALDINO MARIE + CHARLES
0005 PORTER ST
WORCESTER MA 01604

MCDONALD JUDITH A
JUDITH MARKUNAS
13 WABAN AVE
WORCESTER MA 01604